

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

TH 10

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TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: PETER M. DOUGLAS, Executive Director
STEVEN F. SCHOLL, AICP, Deputy Director
ELIZABETH A. FUCHS, AICP, Manager, Land Use Unit
TANIA POLLAK, Coastal Program Analyst
HELMUT GIEBEN, Coastal Program Analyst

**SUBJECT: PROPOSED ACTION PLAN FOR IMPLEMENTING RECOMMENDATIONS
OF THE SANTA MONICA MOUNTAINS/MALIBU REGIONAL CUMULATIVE
ASSESSMENT PROJECT (ReCAP)**

Background:

The Regional Cumulative Assessment Project (ReCAP) is a program to evaluate the implementation of Local Coastal Programs (LCPs) and to improve the management of cumulative impacts to coastal resources. The Coastal Act mandates that the Commission periodically review the implementation of LCPs and recommend corrective actions, where necessary. The Commission also uses the ReCAP methodology to evaluate the implementation of Coastal Commission policies and to provide guidance to local governments in completing LCPs for certification.

At the Commission's November, 1998 hearing, ReCAP staff presented preliminary draft findings and recommendations for the Santa Monica Mountains/Malibu Area ReCAP. The project evaluated the implementation of coastal policy through Commission permits and local government actions and developed preliminary recommendations to address cumulative impacts identified in three key issue areas: the concentration and location of development, with a focus on the Commission's Transfer of Development Credit (TDC) program; public access to the coast; and shoreline armoring. At the hearing, staff received public comments on the report and initiated a 30-day comment period to receive written comments. Commission staff committed to bring revisions back to the Commission with an Action Plan for implementing the top priority ReCAP recommendations.

Organization of this Staff Report:

The first section of this staff report presents the ReCAP Action Plan. The recommendations in the Action Plan and in Attachment 1 have been modified and updated as necessary to address the comments received. The staff's response to comments on the Preliminary Draft Findings and Recommendations for the Santa Monica Mountains/Malibu Area ReCAP (Oct. 1998), received both at the Commission hearing and in written comments, are provided following the action plan. The responses will be incorporated into a final ReCAP report, as indicated, and a Final Report will be published following Commission action.

A reader of the Action Plan should also refer to the Preliminary Draft Findings and Recommendations for the Santa Monica Mountains/Malibu Area ReCAP (Oct. 1998) for more complete findings. A Glossary for definitions of terms used in the report is attached. *(Another copy of this report has been distributed to all Commissioners and is available free on the Commission's website or by purchase from the Commission's SF office).*

ReCAP Action Plan- Summary of the Staff Recommendation:

The Action Plan details a strategy for implementing the Santa Monica Mountains/Malibu ReCAP recommendations. **The staff recommendation, which addresses all the recommendations in the Oct. 1998 draft report, is presented in three parts:**

Part 1: Recommendations for Commission adoption and transmittal to local governments for assistance in their LCP planning and/or to consider modifications to an existing LCP. Part 1 is organized to present the specific recommendations of the preliminary report, grouped by issue and referenced by the number in the preliminary report, which should be carried out through Local Coastal Planning. The recommendations are followed by suggested *findings* that support Commission adoption of the recommendations.

Part 2: Priority Action Items for Commission adoption which include ReCAP recommendations to be carried out by the Commission as part of the Commission's existing regulatory or planning programs during the next 1-2 years. In this part of the report, The *Action Item* summarizes the overall program objectives. Each *Action Item* is followed by the specific *ReCAP* recommendations from the report which will be carried out as part of the action item. The specific recommendations are identified by the number in the preliminary ReCAP report. For each Priority Action Item, specific *tasks* necessary to implement the full range of recommendations and a suggested timeframe are identified. Finally, suggested *findings*, referencing applicable portions of the preliminary ReCAP report, identify the basis for Commission adoption of the recommendations. Adoption of this part of the Action Plan will provide direction to staff for reviewing future coastal permit applications and for carrying out other planning tasks.

Part 3: Other ReCAP recommendations for Commission endorsement, to be implemented as time and resources are available, and preferably within five years. This section of the report organizes the specific recommendations from the preliminary ReCAP report under overall objectives as in part 2, but, because staff is recommending that these recommendations are not the first priority to address, there are no specific tasks or timeframes given. As resources become available, staff will propose revisions to this Action Plan to propose specific steps to carry out these other recommendations.

The complete language for each recommendation as numbered in the Oct. 1998 ReCAP report and as revised by this report is found in Attachment 1; revised recommendations in this Action Plan were *summarized* where possible. Copies of the written comments received are in Attachment 2.

Staff Recommendation: The Staff recommends that the Commission adopt the following resolution:

Approval and Endorsement of the ReCAP Recommendations and Action Plan.

The Commission hereby approves the Recommendations as set forth in Parts 1 and 2 of the ReCAP Action Plan and directs the staff to transmit recommendations of Part 1 to the applicable local government for consideration in their Local Coastal Programs and amendments, and to implement the recommendations of Part 2 by July 1, 2001. The Commission endorses the recommendation of Part 3 of the Action Plan for future consideration.

PART 1: Recommendations for Commission adoption and transmittal to local governments.

Description: The following ReCAP recommendations require action on the part of local governments, involving either modifications to an existing LCP (Ventura County) or incorporation of the recommendation into an LCP currently under development (County of Los Angeles and/ or City of Malibu).

Concentration and Location of Development

ReCAP Recommendations:

III-10	Adopt a TDC program which is implemented across jurisdictional lines in the Santa Monica Mountains, to ensure no net increase in the number of lots in the region. The program should be structured to incorporate the recommendations of the ReCAP report. If the City and County find that a joint TDC program cannot be structured, separate TDC programs should be included in each LCP to ensure no net increase in the number of lots in the region. (County of Los Angeles and City of Malibu)
III-10	Retain use of the slope-intensity formula in the existing Santa Monica Mountains LUP. (County of Los Angeles)
III-10	Include in LCP a slope intensity formula in the City of Malibu LCP, where applicable. (City of Malibu)
III-11	Amend the LA County Santa Monica Mountains LUP to reduce the maximum building pad size, and implement the new standard throughout the coastal zone. (County of Los Angeles) Include policies to address sedimentation and runoff into sensitive resources. County of Los Angeles and City of Malibu)
III-9	Develop and maintain a post-certification tracking system for the location of approved development and required easements, and transmit information to Commission staff. (County of Los Angeles and City of Malibu)
III-4a	Coordinate with National Park Service to ensure the integrity of wildlife corridors/habitat linkages. Identification and mapping of habitat linkages should be included in the LCP along with measures to protect such areas, including potential designation as donor areas under a TDC program. (County of Los Angeles)

Public Access

ReCAP Recommendations:

IV-1	Open El Sol Beach and Dan Blocker Beach. (County of Los Angeles)
IV-3	Improve access to Point Dume State Preserve by improving the availability of parkign in the area. (City of Malibu)
IV-2	Include in LCP plans for alternative locations for local park uses currently at Malibu Bluffs State Park and ensure that existing athletic fields at Malibu Bluffs State Park are not expanded or reconstructed. (City of Malibu)
IV-6	Include strategy to utilize parking for office and commercial development near beach areas for public shoreline access parking in off-peak periods. (City of Malibu)
IV-10	Incorporate policies designed to minimize and mitigate impacts of development on public shoreline access, including policies to require access Offers to Dedicate (OTDs) to mitigate demonstrated impacts to public access. LCP policies should include details on a program to implement OTDs, including timing for developing each OTD, funding sources for construction of improvements and operation costs, and City department responsible for implementation. (City of Malibu)
IV-11	Improve and/or include permit review procedures to provide for obtaining State Land Commission review on the boundary between public tidelands and private property as a part of coastal permit filing requirements for new development along the shoreline. (Ventura County, County of Los Angeles, City of Malibu)
IV-15	Include measures, policies and standards to prevent unauthorized encroachment of development, and to remove non-permitted encroachments, on any area covered by a recorded and accepted inland trail easement. Include policies to require as part of permit procedures, the submittal of mapped documentation locating any recorded easement, OTD, or prescriptive trail easement in relation to a proposed development that may affect an existing or proposed easement. (County of Los Angeles and City of Malibu)

Shoreline Armoring

ReCAP Recommendations:

V-1	Include policies in the LCP to prohibit development that would require armoring for those shoreline areas that do not constitute “infill”. Prohibit new subdivision, including lot splits, that would create new lots within high wave hazard areas. (City of Malibu and Ventura County)
V-2	As a condition of demolition and rebuilding of structures subject to wave hazards, ensure policies require that new development be sited outside areas subject to wave hazard or built on caissons and set back as far landward as possible. Require alternatives for waste treatment, including the redesign and/or relocation of septic systems to avoid the need for bulkheads or retaining walls. (City of Malibu and Ventura County)
V-3	Include policies in LCP to ensure that new development and demolition/ reconstruction development be set back as far landward as possible, regardless of the location of protective devices on adjacent lots. Policies should clearly state that a “stringline” for shoreline protective devices be applied as a maximum extent of development only if no further landward setback is possible. (City of Malibu)
V-4	Require submittal of maps locating any existing OTD or dedicated easement area in relation to the proposed development of any shoreline protective device or revetment as part of application filing. If such an OTD or dedicated easement is required as a condition of approval, the mapping should be completed prior to issuance of the permit. (City of Malibu and Ventura County)
V-7	Amend LCP to incorporate procedures for emergency permitting and for reconstruction of shoreline protective devices (SPDs), including modification in recommendations V-2 and V-3. (Ventura County)
V-9	Include policies in LCP to establish periodic sand nourishment of key beaches vulnerable to wave damage. Policies should be developed in consultation with the L.A. County Dept. of Beaches and Harbors. (County of Los Angeles and City of Malibu)

V-11	Include policies in LCP to require that sediment removed from catchment basins be tested for suitability and, if appropriate, used for disposal in the littoral system. (County of Los Angeles, Ventura County, and City of Malibu) In consultation with the L.A. County Dept. of Beaches and Harbors, designate appropriate beaches or offshore feeder sites in the littoral system for placement of suitable sand materials, consistent with Coastal Act policies. (City of Malibu)
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Summary of Findings: The ReCAP analysis of policy implementation in the Santa Monica Mountains involved three jurisdictions: the City of Malibu, the County of Los Angeles, and a portion of Ventura County. The analysis and recommendations for transmittal to the City of Malibu and the County of Los Angeles are intended to provide guidance to those local governments for their LCP planning. As described in the Preliminary Draft Findings and Recommendation for the Santa Monica Mountains/Malibu Area ReCAP, dated October, 1998, cumulative impacts to coastal resources have resulted from the amount and location of development.

The Coastal Act requires, in part, that new development be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The Coastal Act also requires that the location and extent of new development maintain and enhance public access to the coast, and minimize impacts to shoreline resources.

If implemented, the recommendations of the ReCAP report will address those impacts and improve the management and protection of coastal resources, as required under California's coastal management program. Since the City of Malibu and the County of Los Angeles are both in the process of developing a LCP for Commission approval, after which they will assume regulation of most coastal zone development, the findings and recommendations for the issues ReCAP identified are pertinent to transmit to the respective local governments.

Ventura County, however, has a certified LCP. Although the ReCAP analysis did not cover the entire county, the analysis of the implementation of the Ventura County LCP for this small part of the County can be transmitted pursuant to Coastal Act section 30519.5. This section mandates that the Commission periodically review the implementation of certified LCPs to determine if the LCP is being carried out in conformity with the policies of the Coastal Act.

PART 2. Priority Action Items for Commission Implementation

Description: Staff proposes to carry out the following recommendations as resources permit. The Commission can begin implementation of these recommendations immediately through modifications to its current regulatory and planning programs. However, staff notes that carrying out recommendations resulting from the ReCAP review will add work tasks to programs that are already very limited in available staff resources. Some of the recommendations can be carried out using federal funds available through the CZMA Section 309 Enhancement Grants Program. In other cases staff is recommending that ReCAP action items be carried out by other agency programs, such as through the Access or Enforcement Programs. Given limited resources, competing demands and priorities will have to be weighed in pursuing these recommendations.

Action Item 1: Implement improvements to the TDC program through the CCC regulatory program to address cumulative impacts of the concentration and location of development.

ReCAP Recommendations:

III-1	Continue the use of the Transfer of Development Credit (TDC) program with the modifications proposed below until LCPs are certified.
III-2	Continue use of the slope intensity formula/GSA program as a means to reduce the cumulative impacts of development in the small lot subdivisions.
III-3	Remove Malibu Mar Vista, Malibu Lake, Las Flores Heights, and El Nido from the TDC program except where lots to be retired are adjacent to each other and have sensitive habitat.
III-4	Revise approved donor areas to include parcels in wildlife corridors and parcels adjacent to parkland which are entirely within 200 feet of the parkland boundary. Propose revisions to the Commission to expand the approved donor areas, as information identifying expansion to habitat linkages is developed by the National Park Service (NPS) or through the LCP.
III-5	In small lot subdivisions, base TDC credit only on acreage (i.e. size and slope) and existence of services (i.e. proximity of roads and water), as described in the 1981 Interpretive Guidelines. No additional credits should be given for sensitive habitat.
III-8	Revise TDC process to discourage future use of in-lieu fee transactions.

Tasks	Schedule
1.1 Revise staff procedures for qualifying TDCs in conjunction with applicable coastal permits.	FY 98/99
1.2 Distribute revised procedures to district permit staff and provide training in qualifying future TDCs, based on the revised procedures.	FY 99/00

Summary of Findings: As found in the Santa Monica Mountains/Malibu Area ReCAP report, the cumulative impacts of development in the Santa Monica Mountains has long been a concern. Mitigation measures imposed by the Commission to reduce the impacts resulting from the amount and location of development through the use of Transfer of Development Credits (TDCs) and the slope intensity formula have been vital tools in addressing cumulative impacts in the region. The ReCAP report assessed the effectiveness of the TDC program and identified the above modifications that, if implemented, would assure its continued effectiveness in the future and ensure better protection of coastal resources. Some comments were made to retain the El Nido and Malibu Lake small lot subdivisions as donor areas. As noted in the response to comments, TDC requirements have significantly reduced cumulative impacts in these four subdivisions and implementation of these ReCAP recommendations will focus mitigation on areas where greater mitigation of cumulative impacts can be achieved. In addition, at a minimum, parcels within previously identified wildlife corridors should be included as donor areas. As more specific mapping of needed habitat linkages is completed through the LCP or other planning efforts, further revisions may be suggested.

Action Item 2: Pursue changes in TDC process through interagency coordination.

ReCAP Recommendations:

III-6	Work with L.A. County to ensure that lots retired under the TDC and GSA programs are recombined into one parcel, (for example, through an expedited reversion to acreage process).
III-7	Explore options for developing an MOU with appropriate agencies to accelerate acceptance of existing OTD's and future dedications of open space easements for TDC's. If an MOU is developed designating an entity as an accepting managing entity, the Commission should revise its special condition language to provide that when an open space easement is required as part of a TDC transaction, the easement be dedicated directly to the accepting entity.

III-8	Maintain and update Geographic Information System (GIS) data layers for the TDC and Gross Structural Area (GSA) programs which were developed as part of ReCAP.
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Tasks	Schedule
2.1 Identify high priority TDC OTDs that are due to expire soon.	FY 98/99
2.2 Identify potential agencies for accepting OTDs and set up meetings to identify their concerns. (III-7)	FY 98/99
2.3 Based on responses, follow up research to resolve identified obstacles to accepting OTDs, including issues related to fire abatement. (III-7)	FY 99/00
2.4 If one or more agency (ies) is willing to accept existing OTDs, work with agencies to complete transaction. (III-7)	FY 99/00 and FY 00/01
2.5 With legal staff and L.A. County staff, research feasibility of establishing reversion to acreage or other lot merger process. (III-6)	FY 98/99
2.6 Conduct meeting(s) with L.A. County Assessor's office to identify and discuss potential barriers to establishing reversion to acreage process or other lot merger process. (III-6)	FY 99/00 and FY 00/01
2.7 Research options to encourage acceptance of future OTDs and, if appropriate, draft revised language for special conditions.	FY 99/00 and FY 00/01
2.8 Complete data entry for TDC/GSA transactions post-ReCAP. (III-8)	FY 99/00
2.9 With the Commission's information systems staff, technical services staff, and legal staff, develop process for keeping TDC/GSA data layers updated. (III-8)	FY 99/00
2.10 Transfer TDC/GSA database and GIS layers to appropriate Commission and local government staff. (III-8).	FY 99/00

Summary of Findings: As documented in the Preliminary ReCAP report, the mitigation required through Offers to Dedicate (OTDs) that are recorded against the title of permit applicant's property is not fully implemented unless the OTDs are accepted by a managing entity and the lands protected from future development. The ReCAP report found that the successful protection of lands retired through the TDC program requires continuing coordination with local governments. As local government assume permitting authority following certification, this coordination becomes even more important. In addition to the modifications detailed in Action Item 1, the ReCAP analysis identified a number of measures to ensure that the TDC implementation is effectively carried and interagency coordination improved, especially through the use of improved information exchange. Identification, mapping and acceptance of the priority OTDs which are due to expire in the next few years is also a main objective of this action item.

Action Item 3: Ensure maximum protection of public access to the coast.

ReCAP Recommendations:

IV-8	Commission staff should continue to coordinate with local government to accept all existing vertical and lateral OTDs and develop, as necessary, and open accepted easements to public use. The Commission and Coastal Conservancy should also provide funding where feasible (such as from the Malibu Beach Access Fund, the permit fee fund, the violation remediation fund, and other sources) to public agencies or non-profit organizations for the development, operation, and maintenance of public accessways.
IV-14	Recommend the following as top priority tasks for the Commission Statewide Access Program: 1) map the location of the 8 accepted and 80 recorded inland trail OTD easements, with priority to those due to expire by 2004; 2) coordinate with local governments as part of LCP planning to rank the 80 recorded inland trail OTD easements in priority for acceptance; 3) assist local government and other agencies to accept and open for public use high-priority recorded inland trail OTD easements.
IV-5	In consultation with State Lands Commission, identify and seek removal of all physical development that encroaches into state tidelands areas.
IV-9	Identify and seek removal of all physical development that encroaches into recorded and accepted access easement areas. Investigate specific cases of encroachment into recorded but unaccepted OTD easement areas and take steps to remove and/or reduce encroachments as allowable and feasible.

IV-7	Inventory existing available public parking along Pacific Coast Highway and public roads seaward of PCH to establish baseline data to prevent future loss of shoreline access through unpermitted signage or construction of physical barriers.
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Tasks	Schedule
3.1 In cooperation with the Access Program identify priority OTDs set to expire in the next four years.	FY 98/99
3.2 Complete mapping of the highest priority OTDs.	FY 99/00
3.3 Identify potential agencies for accepting OTDs and set up meetings to identify concerns and develop strategy.	FY 99/00
3.4 Set up initial coordination meeting with State Lands Commission and others; develop plan to identify encroachments on state land and strategy for removal. (IV-5)	FY 00/01
3.5 Conduct file review and field checks to identify areas with encroachments. (IV-5)	FY 00/01
3.6 Submit encroachment information to Enforcement Unit for possible action to seek removal. (IV-5)	FY 00/01
3.7 Coordinate with Commission's LCP grant program; condition grants to require recipient to provide parking data; Provide assistance to local governments to design methodology for parking inventory and data to be collected (IV-7)	FY 99/00
3.8 For parking inventories not funded under LCP grants, undertake field analysis and aerial photo analysis to identify current public parking inventory. (IV-7)	FY 00/01
3.9 Compile local parking data and Commission parking data to develop parking inventory in GIS. (IV-7)	FY 00/01

Summary of Findings: The Coastal Act requires that the Commission and local governments, through their LCPs, protect and enhance opportunities for public access to the coast. The ReCAP report documented that the cumulative loss of public access opportunities has been significant in the Santa Monica Mountains/Malibu area. The scarcity of beach parking has led to

conflicts between visitors and local residents. Public access needs could be addressed by increasing the supply of beach parking and by protecting the existing supply.

As noted in the ReCAP report, accepting outstanding OTDs that would provide new shoreline access opportunities is a high priority for the Commission's Access Program. The Access Program has developed information on the shoreline OTDs and their potential expiration dates statewide and is completing mapping of the vertical accessways in Malibu. Efforts of these tasks will focus on acceptance of the highest priority access OTDs. In addition, the Commission conditioned the recent award of a LCP planning grant to LA County on developing a strategy to accept outstanding Access OTDs as part of their Access Component. These tasks will focus on the OTDs likely to expire before LCP planning is completed and will provide technical assistance to the local governments. ReCAP found that encroachments presented an obstacle to facilitating OTD acceptance and tasks are proposed to address this issue.

Action Item 4: Ensure protection of public easement areas.

ReCAP Recommendations:

III-12; IV-9; IV-15; V-4	Modify Commission permit procedures to require permit applicants to submit, prior to issuance of the permit, mapped documentation locating any existing, proposed or required OTDs or dedicated easements on the applicant's property that may be affected by the proposed development. For proposed or required public access easements, mapping should be done on air photos and project plans.
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Tasks	Schedule
4.1 Modify condition compliance forms and/or draft new special condition language for OTDs and review with legal staff and mapping staff.	FY 98/99
4.2 Finalize language in staff procedural memo.	FY 98/99

Summary of Findings: One of the primary tools that the Commission has used to protect shoreline and trail access opportunities and sensitive habitats is the use of easement areas and offers to dedicate (OTD) easements. The Santa Monica Mountains/Malibu Area ReCAP report documented that a lack of spatial information on the easements has hindered acceptance by land management entities of outstanding OTDs. While the Commission will need to complete mapping of OTDs for permits already issued in order to facilitate acceptance, future permit

conditions to require mitigation through an offer to dedicate an easement should include mapping of the easement area as part of the condition compliance.

Action Item 5: Increase protection of shoreline resources from impacts caused by armoring.

ReCAP Recommendations:

V-2	The Commission should, as a condition of demolition and rebuilding of structures subject to wave hazards, require that new development be sited outside areas subject to wave hazard or built on caissons and set back as far landward as possible. As part of reconstruction, require investigation of alternatives for waste treatment, including the redesign and/or relocation of sewage disposal systems to avoid the need for bulkheads or retaining walls designed solely to protect such systems. Similar requirements should be incorporated as part of LCPs for the City of Malibu and Ventura County.
V-3	Require in the review of coastal development permits for new development and for demolition and reconstruction of existing development, any permitted shoreline structures be set back as far landward as possible from the most landward mean high tideline (MHTL), regardless of the location of protective devices on adjacent lots. The stringline for shoreline protective devices should be applied as a maximum extent of seaward development <i>only if</i> no further landward setback is possible.
V-6	Pursue modification of Section 30600 (e) of the Coastal Act to require a follow up coastal development permit for emergency actions taken by road departments to protect public roads that result in placement of new or expanded shoreline armoring.

Tasks	Schedule
5.1 Draft staff procedures for review of permit applications for development on the shoreline or revise special condition language; (V-2; V-3)	FY 00/01
5.2 Draft suggested revisions to Section 30600 (e) of Coastal Act for Commission consideration. (V-6)	FY 98/99 and FY 99/00

Summary of Findings: As discussed in the ReCAP findings, the cumulative effects of development of structures, including shoreline armoring on sandy beaches, has resulted in the loss of public resources on sandy beaches, including loss of recreational area. Many of the impacts were a result of placement of armoring during emergency conditions, which often prevents adequate consideration by the Commission of alternative engineering designs or siting of the armoring. The Santa Monica Mountains/Malibu Area ReCAP report identified recommendations to minimize impacts from emergency armoring and to encourage consideration of alternatives. In addition, recommendations address measures to discourage further seaward encroachment of new development which could result in additional armoring.

PART 3. Other ReCAP Recommendations for Future Implementation Dependent on Additional Resources and/or Actions by other Agencies

Description: These recommendations may require additional resources and/or a longer time frame for implementation than those contained in Part 2. In many cases, these recommendations will require collaboration with other agencies. Clearly, the Commission lacks sufficient resources to undertake all of these efforts at the present time. For some of these recommendations, staff proposes to begin implementation now, while recognizing that complete implementation may take several years. Staff may begin collaboration with other affected agencies and may also pursue additional funding where necessary to begin the process of implementation. These recommendations are not part of the priority Action Items for immediate implementation, and staff has not included specific task lists for the recommendations. Instead, as part of future implementation, staff will bring revisions to the Action Plan back to the Commission.

Ensure mitigation is carried out by improving the Commission's permit and condition compliance procedures.

ReCAP Recommendations:

III-8	Modify the Commission's existing statewide permit tracking system to include a condition compliance component.
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Summary of Findings: Monitoring existing TDC requirements as future permit applications are reviewed is important to protect any existing easements or offers to dedicate easements. Currently there is no easy way for Commission staff analysts to be alerted through the permit tracking system of the existence of TDC conditions on past permits. In addition, the ReCAP report noted several cases where a permit was issued prior to completion of TDC conditions, contrary to the intent of the permit condition. Although the number of such cases was small, modification of the existing tracking procedures will help ensure that required conditions are met prior to a permit being issued.

Expand interagency coordination and activities to address the cumulative impact of development on coastal resources.

ReCAP Recommendations:

III-6	Work with L.A. County to ensure that lots retired under the TDC and GSA program are actually recombined into one parcel (for example, through an expedited reversion to acreage process). Once a program is established, the Commission should update its special condition language to require that, prior-to-issuance of the permit, any necessary TDC transactions be completed through this reversion to acreage process.
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III-7; IV-13	Investigate changes to special condition language requiring OTDs for inclusion in future coastal permits which would facilitate acceptance of OTDs required by the Commission.
III-8	Encourage the Mountains Restoration Trust to complete existing in-lieu fee TDC transactions, as required by the terms of the transactions.
III-9	Develop a system to ensure that the local governments' planning departments receive updated TDC/GSA mapped information (GIS data layers) showing the location of restricted lots.
IV-1	Work with Los Angeles County's Beaches and Harbors Department to open currently undeveloped El Sol and Dan Blocker Beaches.
IV-2	Work with the California Department of Parks and Recreation to develop and submit for certification a public works plan for Malibu Bluffs State Park that provides for regional/state park uses, as opposed to existing community park uses.
IV-3	The California Department of Parks and Recreation and the City of Malibu should improve access to Point Dume State Preserve by improving the availability of public parking in the area adjacent to or within the blufftop portion of the Preserve.
V-10	The state Department of Transportation should assist the L.A. County Beach Nourishment Task Force in investigating measures to fund regional beach sand nourishment. Beach sand nourishment proposals should also be coordinated with the LA County Beaches and Harbors Department.

Summary of Findings: As identified through the ReCAP report, assuring that Commission-required coastal permit mitigation of impacts to coastal resources is fully complete in some cases relies in part on actions by other agencies, including local governments and/or other governmental agencies such as the state Department of Parks and Recreation. While implementing solutions may require direct action by other governmental agencies, by focusing additional Commission resources, as they are available, on technical assistance and coordination, the Commission could help to encourage other agencies to take needed action to help address the cumulative impacts of development to coastal resources.

Mitigate cumulative impacts to public access through expansion of the Commission's Access Program efforts.

ReCAP Recommendations:

IV-4	Work with local governments, the Coastal Conservancy, the State Department of Parks and Recreation and Caltrans to develop a comprehensive signage program to better identify public use opportunities and minimize conflicts between public and private use.
IV-12	Develop and publish a regional public access guide for the Malibu area.
IV-16	Support the appropriation of public funds for the purchase of parcels and/ or easements to close existing gaps in the public trail system in the Santa Monica Mountains.

Summary of Findings: The ReCAP report identified a number of opportunities to enhance public access opportunities in the Santa Monica Mountains/Malibu region which cannot be achieved solely through the regulatory program. The report noted that additional resources should be provided to the Commission's Access Program to carry out alternative mechanisms to maximize public access and minimize cumulative impacts through acceptance and opening of accessways, signing, public information and other non-regulatory actions. The Access Program, if provided additional resources, could provide significant assistance to help maximize public access to the shoreline and through the mountains.

Improve public access through Commission enforcement activities in the region.

ReCAP Recommendations:

IV-9	The Commission should enforce the terms of recorded and accepted access and trail OTDs and deed restrictions, including requiring removal of encroachments unauthorized by the terms of the accepted easement.
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Summary of Findings: The ReCAP report identified physical encroachments from shoreline development into public access easement areas and state tidelands as a cumulative impact to coastal access and recreation resources. Similar to the impacts identified from encroachments into shorefront easements, encroachments into inland trail easements could also result in significant impacts to coastal access. In order to protect access, each OTD must be researched for uses allowed under the terms of the recorded and accepted offer and information submitted to

the Commission's enforcement program for possible action. Since this process for inland OTDs will require more extensive resources than are now available, it is proposed for later action as resources become available. In addition, additional legal research is needed into the ability of the Commission to remove encroachments from OTD areas which have been recorded but not yet accepted.

Recommend legislative changes to address cumulative impacts.

ReCAP Recommendations:

V-5	Investigate incentives for relocating of replacement structures destroyed by natural disaster to be located outside of hazardous shoreline areas. Consider modifications to Section 30610 of the Coastal Act to require a full permit application for the rebuilding of structures damaged or destroyed by ocean waves if such rebuilding is proposed in the same location and footprint as the damaged structure.
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Summary of Findings: The ReCAP report documented the effects of shoreline armoring rebuilt as a result of coastal permit exemptions. Under current Coastal Act exemptions, certain structures located in hazardous areas under certain criteria can continue to be rebuilt without full permit review which would consider other alternatives such as relocation of structures to avoid the need for the shoreline protective device. This perpetuates the likelihood of additional and continued shoreline armoring to protect those structures. Incentives should be pursued to locate development destroyed by a natural disaster out of hazardous areas.

Improve the Commission's management of shoreline resources

ReCAP Recommendations:

V-12	The Commission should develop a long-term strategy to address the issue of sea level rise. The strategy should define the criteria for estimated sea level rise (i.e., projections of sea level rise from EPA) and should develop measures to avoid or to minimize the effects of sea level rise in permit actions and in Local Coastal Programs. Such measures could include modifying Commission permit requirements to: 1) require that the potential for sea level rise is considered in the design of all development proposals and habitat restoration projects along the ocean shoreline and the shoreline immediately adjacent to or within a harbor, river, bay, or estuary; and, 2) require that buffer areas adequate to address sea level rise are included in wetland restoration projects.
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V-8	Establish procedures for Commission and local governments for coordination with property owners for field inspections before and after storm seasons. Procedures should: provide advance information on location of easement areas to assure emergency structures are not occupying public easements; provide for inspections to identify shoreline protective structures built without permits; and, assure emergency structures are removed or regular permit follow-up is completed within the 60 day period.
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Summary of Findings: The ReCAP report identified the cumulative adverse impacts to shoreline resources and public access from the placement of shoreline armoring in response to storms and erosion. However, projected sea level rise will result in even greater exposure of shorefront development to threats from erosion and thus increased demand for shoreline protective devices. However, before modifications to the Commission's regulatory program can be made and before guidance can be developed for incorporation of policies into LCPs, more study needs to be completed on the implications of sea level rise to the shoreline development in the area. As resources permit, the Commission should initiate these efforts.

The ReCAP report identified the cumulative effects resulting from the placement of armoring during emergencies. Implementation of recommendation V-8 will result in improved monitoring procedures to respond to future emergencies in order to minimize future emergency armoring.

Responses to Comments on the Draft ReCAP Report

The following responses contain proposed revisions to the Draft Report. Suggested revisions to the recommendations are reflected in the Action Plan and Attachment 1. Following Commission review and action on the Action Plan a Final Report will be published.

Comments and Responses on the Concentration and Location of Development:

A. Comments on General Findings

Comment: In Table 3-1, clarify the difference in the “Number of Additional Units from Vacant SFR Lots” for the two buildout scenarios.

ReCAP staff analyzed potential buildout in the ReCAP region based on two different scenarios: 1) assuming no further subdivisions; and, 2) assuming additional potential subdivisions occurring to create more Single Family Residential (SFR) units. Table 3.1 will be revised as noted below to clarify the numbers. Please refer also to the discussion of terms and concepts on page 17 of the October 1998 draft report for additional discussion. In the final report, the terms used in this table, the text and the methodology discussion in the appendix will be made consistent.

Table 3-1:

Buildout Scenario #1: No Further Subdivisions				
	L.A. County	City of Malibu	Ventura County	Total ReCAP Area
Current Dwelling Units	3,193	5,846	313	9,352
Number of new residential units from buildout of all existing vacant residential lots ¹	3,841	1,370	311	5,522
TOTAL RESIDENTIAL UNITS under this scenario (and % increase over current units)	7,034 (+120%)	7,216 (+23%)	624 (+99%)	14,874 (+60%)

Buildout Scenario #2: With Potential Subdivisions				
	L.A. County	City of Malibu	Ventura County	Total ReCAP Area
Current Dwelling Units	3,193	5,846	313	9,352
Number of new residential units from buildout of non-subdividable vacant residential lots ²	3,578	1,222	216	5,016
Number of new residential units from buildout of potentially subdividable residential parcels ³	1,481	1,209	690	3,380
TOTAL RESIDENTIAL UNITS under this scenario (and % increase over current units)	8,252 (+158%)	8,277 (+42%)	1,219 (+289%)	17,748 (+90%)

¹ Assumes one dwelling unit per existing vacant lot or parcel, regardless of whether a parcel may be potentially subdividable under current LUP designation.

² Assumes one dwelling unit per existing non-subdividable vacant lot or parcel. This number is lower than the “Number of new units from buildout of all existing vacant residential lots” under the first scenario because it excludes those parcels which could potentially be subdivided.

³ Assumes subdivision of parcels to maximum extent provided for under LUP designation (without considering other LUP and Coastal Act policies) and subsequent development of one dwelling unit on each new vacant lot.

Comment: Why are parcels located outside of the coastal zone on some of the ReCAP figures?

A number of figures in the ReCAP report show parcels extending beyond the coastal zone. This occurs for several reasons. First, the coastal zone boundary may bisect some parcels; where this occurs, the entire parcel is shown on the map. Second, a certain amount of spatial inaccuracy results from overlaying GIS maps. For this reason, the location of a specific parcel with respect to the coastal zone boundary should be viewed as approximate, and subject to confirmation for individual parcels. Finally, for some of the ReCAP maps, such as Figures 4-5, A-1, and A-2, ReCAP chose to show a number of parcels outside of the coastal zone to provide an understanding of land uses. For example, if an area designated as “parks” extends beyond the coastal zone, ReCAP’s analysis included the entire unit of land.

Comment: Parcel lines should be added to Figure 3-3 to better illustrate how constrained parcels are.

Figure 3-3 is intended to show the **overall** level of constraints to development in the Santa Monica Mountains at a regional scale, based on ReCAP’s criteria. Parcel lines were not included for two reasons. First, at the map scale used in the figure, the density of parcel lines would have obscured the constraint information and thereby defeated the purpose of the map. Second, the map was never intended to show the level of constraint for individual parcels. Such use would be inappropriate because constraints were mapped at a much grosser scale and with a lower level of positional accuracy than the parcel lines. While the data used to produce the constraint layer is accurate enough to show the overall level and general location of constraints in the Santa Monica Mountains, it is not accurate enough to determine the level or location of constraints on *individual* parcels. Therefore, placing parcel lines on the constraints map, while physically possible using a GIS, would have been misleading.

Comment: The identified land uses of some specific parcels in Figure A-1 are incorrect.

For the final draft of the ReCAP report, the maps will be corrected to reflect the identified inaccuracies. In developing the maps, ReCAP staff used County assessor’s data as reported by TRW Experian (1997) as the source for current uses of individual parcels. Since the Assessors of Ventura and Los Angeles Counties use different classification systems, ReCAP staff combined and generalized land use classes. For example, Ventura County assigns a land use of “Federal Building” to any Park Service parcel containing a structure. Such parcels appeared as “Institutions & Public Facilities” in the preliminary draft, but will appear as “Parks” in the final report. The ReCAP land use maps are intended to show regional land use patterns and therefore should not be used as a definitive source for up-to-date information about the use of particular parcels. While ReCAP staff used the best available information, land use designations for individual parcels change over time, and even the County Assessor’s office may take a year or two to register a change in use.

B. Comments on Preliminary Recommendations for Modifications to TDC donor areas

Comment: The TDC donor areas should include those parcels which, if developed, would require clearing of vegetation within existing public parklands in order to meet local fire abatement requirements.

ReCAP staff proposes to revise preliminary recommendation III-4 to include as TDC donor sites those parcels where the entire parcel lies within 200 feet of existing parkland boundaries. Fire abatement standards in the Santa Monica Mountains can require vegetation thinning up to 200 feet from proposed structures. Therefore development on those parcels that lie entirely within 200 feet of park boundaries may require vegetation removal within public park areas. Retirement of these parcels through the TDC program would create a buffer around existing parklands and prevent the need to encroach upon existing park resources to meet fire abatement standards. ReCAP staff estimates that approximately 150 parcels could be included as donor sites under this revised recommendation.

Comment: Revise Preliminary Recommendation III-3 to continue use of TDC transactions in Malibu Lake and El Nido small lot subdivisions.

ReCAP staff recommends that Preliminary Recommendation III-3 be implemented as proposed in the preliminary draft ReCAP report.

Preliminary Recommendation III-3 proposes to remove four small lot subdivisions (Malibu Lake, El Nido, Las Flores Heights, and Malibu Mar Vista) from the designated donor areas under the TDC program. ReCAP staff's proposal was based on a number of criteria, including the extent lots have been retired in each small lot subdivision, the extent of lots still available for potential development, and the relative development potential remaining in each small lot subdivision. ReCAP staff concluded that the TDC program has been successful in significantly reducing densities in the Malibu Lake, El Nido, Las Flores Heights, and Malibu Mar Vista small lot subdivisions, and recommended that future TDC transactions be targeted to the other small lot subdivisions. The intent of the recommendation is not to minimize the sensitivity of these four areas or the impacts from additional development, but to direct future lot retirements in other sensitive areas where the overall density has *not* yet been significantly reduced. Densities in the four identified small lot subdivisions could continue to be reduced through the continued use of the slope intensity/GSA formula as mitigation for permitted development.

The comments received over this recommendation seek to continue the use of TDC transactions in Malibu Lake and El Nido due to 1) the fact that these small lot subdivisions are adjacent to parkland and continued development will impact park resources, and 2) the remaining number of lots in El Nido that could be developed. ReCAP staff acknowledges the sensitivity of much of the ReCAP area, including the four small lot subdivisions at issue. However, ReCAP staff continues to recommend that the four proposed small lot subdivisions be removed from the TDC

donor sites. ReCAP staff's analysis shows that approximately 17 parcels remain vacant in the Malibu Lake small lot subdivision and future mitigation of permitted development to address density may be more appropriate through the use of the GSA formula. In many cases, one owner owns more than one parcel, which could facilitate compliance with any required GSA conditions and allow better siting for development of the parcels. While the small lot subdivision does border on parklands, a significant amount of the subdivision has been retired and protected; many of these retired lots are now part of the park system. In addition, any remaining vacant parcels that are entirely within 200 feet of a park boundary would still qualify as a TDC donor site, as proposed above. The proposed recommendation also still allows for the use of TDCs where the lots to be retired are adjacent lots with sensitive resources. This measure was included in the recommendation to continue encouraging the protection of sensitive resources.

In the El Nido small lot subdivision, an estimated 59 parcels remain vacant. In spite of this number of parcels, a significant number of parcels have already been retired under the TDC program (52% of the total number of parcels in the small lot subdivision), reducing the overall density of the subdivision. As a comparison, Malibu Vista, the small lot subdivision with the next highest level of retirement, has only had 31% of parcels in the subdivision retired. The remaining small lot subdivisions have between 4% and 13% of their respective parcels retired. Again, in a number of cases in the El Nido subdivision, one owner owns multiple lots. Given the extent of retirement in the Malibu Lake and El Nido subdivision, and the remaining development potential in the other small lot subdivisions and sensitive resource lands, ReCAP staff has concluded that the emphasis of the program should be directed towards other resource areas.

Comment: The wildlife corridors shown in Figure 3-7 (Approved Development and Retired Lots in Sensitive Resource Areas within LA County 1978-1996) should be widened in the north/south direction, and should include a region between the Malibu Creek State Park/Cold Creek Management Area and Topanga State Park. The phrase "wildlife migration corridor" should be replaced with the term "wildlife corridor/habitat linkage". Habitat linkages serve as an extension of core habitat, rather than a narrow passageway for seasonal movement of wildlife.

Comment: Significant watershed boundaries should follow actual hydrologic basin topographic boundaries.

The ReCAP report's analysis and mapping of significant watersheds and wildlife corridors is based on the existing definitions and boundaries available as part of the Santa Monica Mountains/Malibu LUP. Because of limited resources, ReCAP staff used existing information whenever possible. Figure 3-7 illustrates the location of existing development and lot retirement patterns relative to these sensitive resources. Expansion of these designations could enhance protection of sensitive resources in the area. However, such expansion may require additional fieldwork, resource identification and mapping, which was beyond the resources available to the ReCAP staff and which may be appropriate for the County to undertake in conjunction with the LCP planning. ReCAP staff agrees with the comments and general direction of the National Park Service and understands that the Service is working to identify areas that are important to

protect for habitat linkages. When additional information is available through updated NPS mapping or through the LCP, ReCAP staff may propose additional modifications in the donor areas for Commission consideration. In addition, ReCAP staff will encourage the County of Los Angeles to coordinate with the National Park Service to ensure the integrity of the wildlife corridors/habitat linkages.

Comment: What is a Coastal Conservancy Restoration plan (pg. 25)?

The ReCAP preliminary findings discuss the use of Coastal Conservancy restoration plans in conjunction with the TDC program. Coastal restoration plans are developed by the California Coastal Conservancy to “correct undesirable development patterns in the coastal zone” (Public Resources Code Section 31007). In the Santa Monica Mountains, the Coastal Conservancy has undertaken these restoration plans to address the impacts from development in the small lot subdivisions; the lots addressed in these restoration plans have generally been used as TDC donor lots.

Comment: Identify in Figure 3-5 (Retired and GSA Lots in Small Lot Subdivisions in Los Angeles County and Malibu) parcels already developed and those still vacant.

ReCAP staff will revise Figure 3-5 to include developed and vacant lands.

Comment: Clarify that for Preliminary Recommendation III-4 the term “significant watersheds” also includes all “significant oak woodlands” and all other ESHAs as part of the donor sites for the TDC program.

The intent of Preliminary Recommendation III-4 is to revise the donor areas for TDC lot qualification to include parcels located within wildlife corridors (and parcels adjacent to park lands under limited circumstances) in addition to parcels located within designated significant watersheds which have always qualified for TDC values. Significant Watersheds are large, relatively undisturbed, natural drainage basins that contain riparian and oak woodlands and provide habitat for various declining, restricted, rare or endangered species. The current TDC program recognizes eight Significant Watersheds, which are mapped in the certified Santa Monica Mountains LUP.

Parcels located within designated Environmentally Sensitive Habitat Areas (ESHAs) will continue to qualify for TDC values as described in this report. The TDC program recognizes riparian woodland, streams, undisturbed oak woodland and Savannah as ESHAs consistent with the Coastal Act definition of environmentally sensitive area (emphasis added). Significant Watersheds and ESHAs were designated as donor areas in order to preserve the most sensitive

resource areas and protect them from the significant disruption of habitat values and other adverse cumulative impacts of continued build-out.

Not all oak woodlands are designated as ESHA in the certified LUP nor would all oak woodlands meet the Coastal Act definition of environmentally sensitive area. These areas, which do not qualify for the ESHA definition, and therefore would not qualify as TDC donor lots, are designated as “Significant Oak Woodland” or “Disturbed Sensitive Resource” in the LUP. Parcels qualifying as TDC donor lots under this criteria would be limited to those areas that are either mapped as Significant Watersheds, ESHAs or undisturbed Oak Woodlands in the certified Malibu/Santa Monica Mountains LUP and which meet the Coastal Act definition of environmentally sensitive area on the basis of substantiating evidence.

For further clarification, consistent with Preliminary Recommendation III-5, qualification of lots in small lot subdivisions for TDC values will be based solely on criteria originally established in the 1981 District Interpretive Guidelines. Under these criteria, the applicability of a number of factors, i.e., size and slope of lot (GSA) and/or existence of roads and water service to the parcel determine a credit. Typically, it will require a number of small lots to qualify for one TDC. The presence of sensitive resources on the site will not be considered in determining TDC eligibility for small lots.

Comment: Delete Preliminary Recommendation III-5. Clarify criteria for qualifying small lots under the TDC program.

ReCAP staff continues to propose that the Commission implement Preliminary Recommendation III-5. Preliminary Recommendation III-5 states that where a TDC credit is given for lots in a small lot subdivision, the value of a TDC should be based *solely* on the acreage and the existence of services to the lot, as described in the 1981 District Interpretive Guidelines (i.e., lots are served by existing road and water services, and are not located in an area of landslide or other geologic hazard). This process usually gives *fractional* TDC value to lots in small lot subdivisions (i.e., more than one small lot is required to complete one TDC). Occasionally, the Commission has granted a full TDC value for these small lots when sensitive habitat is present on the lot. By granting a full TDC credit to a small lot in these situations, the Commission has in effect authorized a reduction in the total number of lots retired.

The comment made requested that Preliminary Recommendation III-5 be deleted, stating that the current practice creates an incentive for developers to protect sensitive resources. Given the small size of the lots in question, and the generally fragmented nature of the habitat, staff has concluded that the Commission could obtain more significant gains in habitat protection by targeting other areas in the future. In those cases where the Commission staff has *already* determined the TDC value of a lot in writing, that value will not be changed as a result of the adoption of any of the ReCAP recommendations. The revised guidance to staff for qualifying lots for TDC credit would only apply to any new mitigation required by the Commission on future coastal development permits for subdivisions. The recommendation will be revised to clarify this.

Comment: Pursue TDC program beyond the boundary of the coastal zone, where parcels in the coastal zone could serve as donor sites to the larger Los Angeles and Ventura County area.

Transfer of Development Credit (TDC) requirements have been required as mitigation for certain coastal development permits, therefore the Commission cannot extend such requirements beyond the coastal zone. However, the County may consider developing a broader program which would identify donor sites within the coastal zone and receiver sites outside the coastal zone through its general plan process.

B. Comments on Preliminary Recommendations for Improving the Implementation of Mitigation

Comment: Until an OTD, required as part of a TDC transaction, is accepted, the mitigation for the approved project is not complete; therefore, the permit should not be issued until the OTD is accepted.

ReCAP staff's analysis shows that there has been a serious problem with getting the OTDs accepted and assuring that the mitigation for approved development is complete. If the Commission were to develop and have in place a program with a designated accepting agency willing to accept all such dedications, it might be possible to consider such revisions to permit conditions. However, until such a program is in place, staff concludes that the Commission cannot require that an OTD be accepted prior to issuance of the permit because it may be many years before such a condition could be met, or the permit may never issue. To address the concern of unaccepted OTDs, ReCAP staff will work with appropriate entities in the region to ensure that existing OTDs are accepted prior to their expiration date. ReCAP staff will also explore options for ensuring that *future* OTDs are accepted, including evaluating the option of developing an MOU with appropriate agencies to accelerate the acceptance of future OTDs. ReCAP staff recommends a similar approach to address the concern over public access OTDs.

Comment: Special conditions requiring an open space easement for a TDC transaction should also require the applicant to provide some funding for minimal brush clearance.

This comment was raised with regards to the ongoing problem of getting open space easements accepted and the associated costs for an agency to accept easements. Because of the fire abatement requirements discussed below, ReCAP staff concludes that the Commission should not require fire abatement funding *at this time* as part of a TDC transaction. However, staff has

incorporated expanded tasks into the Action Plan to investigate this as a possible option should accepting agencies identify this concern as an obstacle to accepting OTDs (See Action Item 2).

Due to the small size of many lots in the Santa Monica Mountains, fire abatement requirements may cross onto an adjacent property from the one being developed. In some cases, the adjacent parcel may have an open space OTD recorded on it; generally, these OTDs allow for fire abatement to occur. Discussions with the Los Angeles County Fire Department indicate that the Department can recommend that fire abatement (vegetation thinning) occur on property adjacent to the one being developed, but cannot require it. This process involves negotiation between the applicant proposing development and the adjacent property owner; the adjacent property owner can voluntarily allow fire abatement practices on his or her property. According to the Los Angeles County Fire Department, even with this voluntary concurrence, the owner of the property to be developed is ultimately responsible for the fire abatement practices to occur, including any associated costs. Generally, the applicant obtains a legal document from the adjacent property owner allowing the applicant to undertake the work, including long-term maintenance. If the adjacent property owner does not permit fire abatement work to occur on the property, the County Fire Department will require other measures on the applicant's property to address fire concerns, including irrigated landscape or a fire wall on the property line.

Comment: Revise Preliminary Recommendation III-8 to read “require the Mountains Restoration Trust to complete existing in-lieu fees TDC transactions, and prohibit use of in-lieu fees for future TDC transactions”.

ReCAP staff is not recommending revisions to this recommendation because the future use of in-lieu fees for mitigation of impacts resulting from a specific coastal development permit application must be determined by the Commission based on facts of a particular permit application. The ReCAP report noted that the current in lieu fee mitigation was required as part of a restoration program specifically to address the retirement of 100 lots in the Cold Creek and Fernwood areas. The terms of the restoration program were previously approved by the Commission and once the outstanding in lieu fee transactions are completed, the mitigation objective will have been met. However, because of problems in monitoring and condition compliance identified with the in-lieu fees, staff can continue to recommend to the Commission that their use as mitigation be discouraged.

C. Comments on Preliminary Recommendations for Local Coastal Planning

Comment: Modify Preliminary Recommendation III-10 to delete the option for separate TDC programs for the City of Malibu and the County of Los Angeles.

Preliminary Recommendation III-10 states that the City of Malibu and the County of Los Angeles should adopt a TDC program which is implemented across jurisdictional lines. However, the recommendation also states that if such a program cannot be structured, each jurisdiction should develop and implement its own TDC program as part of its LCP planning.

While the ReCAP report strongly supports the need for a joint TDC program because of the type and location of resources in the region, staff recognizes that a joint program can succeed only with the willing cooperation and joint implementation by both Los Angeles County and the City of Malibu. In the event that the two local jurisdictions choose not to structure a joint program through their LCPs, Commission staff concludes that the cumulative impacts of new development could be addressed in part if each jurisdiction develops its own TDC program to mitigate the effects of any new subdivisions authorized.

D. Other Comments on Concentration and Location of Development

Comment: The designation of the southern steelhead as an endangered species has increased the need to protect undeveloped canyons with present, former, or potential steelhead runs to the ocean. These areas include Lower Topanga Canyon, Malibu Canyon and Lagoon, Solstice Canyon, and Arroyo Sequit.

ReCAP staff acknowledges the need to protect all sensitive resources in the region but was unable to undertake a thorough analysis on all cumulative impact issues in the Santa Monica Mountains. Much of the land surrounding Malibu Creek and Solstice Creek is parkland. Continuation of mitigation through the TDC program could also lead to additional retirement of lots adjacent to steelhead habitat. However, sedimentation and runoff from non-parkland can continue to degrade these streams. ReCAP's Preliminary Recommendation III-11 begins to address this concern by recommending that the maximum building pad size allowed in Los Angeles County be reduced. To further address the concern of sedimentation and runoff into coastal streams, ReCAP staff recommends that Preliminary Recommendation III-11 also require that the LCPs for the City of Malibu and the County of Los Angeles include policies to address sedimentation and polluted runoff into sensitive resources, including the use of best management practices (BMPs). Policies should ensure that grading ordinances are effective in controlling sedimentation and runoff, and that runoff from construction activities is adequately addressed. Effective policies would achieve the following goals:

1. Prior to land disturbance, an approved erosion and sediment control plan is prepared.
2. Erosion and sedimentation is reduced to the maximum extent practicable.
3. Sediment is retained onsite during and after construction.
4. Schedule projects so that clearing and grading are performed during the time of minimum erosion potential.
5. The area of soil exposed at any one time is minimized.
6. Cut and fill slope areas exposed during construction are minimized.

Staff notes that the LCP planning grant recently awarded to Los Angeles County was also conditioned to require the County to address polluted runoff issues in its LCP planning.

Comments and responses to Recommendations on Public Access to the coast

A. Comments and Responses on General Findings and ReCAP Maps

Comment: The 21 vertical and 162 lateral shoreline access easements that remain to be accepted and opened may not all be easements; some may be deed restrictions.

The ReCAP report (Table 4-2 on page 51 of the preliminary draft report) identifies the lateral and vertical access easements by both deed restriction and OTD easements. 162 lateral OTDs remain to be accepted and/or opened for public use and 11 vertical OTDs remain to be accepted and/or opened for public use.

Comment: The date for the Malibu/Santa Monica Mountains Trails Plan cited on pages 57 and 58 should be changed to 1982.

ReCAP staff will revise the findings to correct the date from 1983 to 1982.

Comment: The ownership and land uses of some specific parcels in Figure 4-1 and A-1 are incorrect. The Lower Corral Canyon property has recently been acquired by the Santa Monica Mountains Conservancy. The full extent of state park ownership inland from Malibu Lagoon State Beach is not shown on the maps.

Comment: The A-3 series of maps and Chapter 4 fail to fully map the upland park areas in close proximity to public beaches north of public roads.

Comment: A critical linkage is the Beaurivage property, which includes about 300 yards of lower Solstice Creek between PCH and the Corral Canyon Road crossing. A trail easement linking Solstice Canyon Park to the beach was required here several years ago, but it is not open.

Comment: There may be trail easements on McKain Street associated with the Plechner permit and picked up by the Mountains Restoration Trust.

Comment: Was a trail easement accepted by L.A. County on the Ben Johnson Estates property? This easement is on the tract map. If it has not been accepted, what steps need to be taken to get this accepted?

ReCAP staff is still investigating the status of these identified parcels and any associated easements and prior to publication of the final report will update the appropriate maps. As

discussed under the Concentration and Location of Development section, ReCAP staff used the County assessor's data as reported by TRW Experian (1997) as the source for current uses of individual parcels. ReCAP staff combined and generalized land use classes. In addition, while ReCAP staff used the best available information, land use designations for individual parcels change over time, and even the more recent data may not immediately reflect all changes.

For an OTD to be accepted, a potential accepting agency would usually need to see the easement area mapped and legally described and then would need to take an affirmative action to accept the easement.

B. Comments and Responses on Improving Existing Public Access Opportunities

Comment: Preliminary Recommendation IV-1 and findings regarding El Sol and Dan Blocker Beaches should be reviewed with the County of Los Angeles Department of Beaches and Harbors.

Preliminary Recommendation IV-1 and the related findings discuss the need to open El Sol Beach and Dan Blocker Beaches. ReCAP staff agrees with the comment. This is a recommendation that is directed to the County as a partner in coastal management and the participation of the County, in particular the County Department of Beaches and Harbors, is essential to open the beaches. The Staff will revise the findings for these preliminary recommendations to promote coordination with the County of Los Angeles' Department of Beaches and Harbors.

C. Comments and Responses on Improving Public Access Mitigation Measures:

Comment: Few access and trail OTDs have actually been accepted and opened for public use. Future applicants should dedicate easements to an accepting agency.

As with OTDs required to implement TDCs, the ReCAP report found that the access mitigation required by the Commission is often incomplete because require OTDs have not yet been accepted by managing agencies and opened to the public. Achieving acceptance of OTDs in a critical objective of the Commission's Access Program. In addition, conditions placed on the recent LCP planning grant awarded to LA County will help address outstanding trail OTDs. The Action Item 2 of this Action Plan proposes to investigate ways to modify Commission regulatory procedures to facilitate acceptance of OTDs in conjunction with the TDC program. Mechanisms developed under this Action Plan can be applied to future Access OTDs as well.

Comment: Add Mountains Restoration Trust and Santa Monica Mountains Conservancy to list of agencies who could accept inland trail easements (page 62).

ReCAP staff will include these agencies as potential managing agencies to accept inland trail easements.

Comment: The Coastal Commission should require the accepting agency to consult with other possible agencies to determine which agency is the most appropriate final recipient of the dedication.

Such coordination is usually accomplished as part of the process in getting OTDs accepted. The Commission's experience from its Access Program indicates that ongoing coordination to identify an agency to accept OTDs is more appropriate than requiring more formal procedures. Tasks under Action Items 2 and 3 allow for such coordination meetings.

Comment: We recommend the Commission's GIS technician map the most important open space and trail OTD expirations, i.e., those OTDs that will expire within the next two years.

Comment: Expedite mapping of open space and trail OTDs.

Comment: The Coastal Commission should expedite the process of OTD acceptance by coordinating a meeting/workshop among the possible agencies to determine the most appropriate long-term holder. Subsequent meetings should be held when all previous OTDs have been mapped in the Coastal Commission's GIS.

ReCAP staff recognizes that the potential expiration of OTDs is a serious concern. Because of this, the Commission recently conditioned the award of an LCP planning grant to LA County to develop as part of their LCP Access Component a strategy to have the outstanding Access OTDs accepted within 2 years of certification. The Commission staff anticipates working with the County to assist them in meeting this condition. However, there may be some priority OTDs which will expire before the County planning process is completed. Under the Action Plan, staff will focus on getting accepted any TDC OTDs which might expire in the next 2-4 years. Staff will also be working with the Access Program to identify the priority OTDs and to try to get the most urgent OTDs accepted. Meetings/workshops could be an effective mechanism to facilitate acceptance and are contemplated in the tasks under Action Items 2 and 3.

Regarding mapping, all lots in the Santa Monica Mountains on which the Commission has required a trail OTD (through 1996) have been mapped through the ReCAP project. ReCAP staff will produce a map identifying those lots on which are located trail OTDs which will expire in the next two-four years. Preliminary recommendation IV-14 identifies the need to prioritize the trail OTDs to be accepted and opened. The date of expiration of the OTD will be one factor in this assessment. However, more specific mapping of the location of the easement on the property, which may be necessary for an agency to accept an easement, requires significant time

and resources, which must be balanced with competing demands. Therefore, it is likely that the task will focus only on the most critical OTDs.

Comment: The Santa Monica Mountains Conservancy will seek to accept OTDs for inland trails.

Commission staff appreciates the Conservancy's interest in accepting inland trail OTDs, and will work with the Conservancy to address priority OTDs for acceptance.

D. Comments and Responses to Trail Linkages

Comment: It is important to identify and protect in the planning, permit, and enforcement process the few places in Malibu where there is the potential to link public beaches to adjoining parklands containing undeveloped canyons and uplands, and to develop picnic and tent camping sites in upland park areas. In addition, the potential to develop feeder trails linking the Backbone Trail to public beaches along the Malibu coast should be preserved.

Comment: Both Solstice and Corral Canyons are linked to Corral Beach by culverts easily negotiated by people of all ages and sizes. The Commission needs to be aware of the importance of these culverts and trail linkages between upland parks and public beaches.

Comment: As with Solstice and Corral Canyons, the Commission needs to keep close watch on the Malibu LCP to ensure that public access from Malibu Canyon to Malibu Lagoon State Beach is preserved through the Serra Retreat and Civic Center areas.

ReCAP staff notes that comprehensive recreation facilities and trail planning to address these and related issues should be an important part of LCP planning by both the City of Malibu and L.A. County, which has recently begun under grant funding awarded by the Commission to both jurisdictions. These comments will be transmitted to the City and County for consideration.

E. Other Comments and Responses:

Comment: Similar to Preliminary Recommendation IV-14, which recommends that the Commission prioritize trail OTDs to be accepted and opened, the Commission should prioritize which open space dedications should be accepted.

ReCAP staff agrees with the comment and it is reflected in Action Item 2 for TDC OTDs. The Commission uses open space easements as one tool to protect a variety of coastal resources from impacts from development. Often, these easements are in the form of an OTD, which generally

expires 21 years from the date of recordation. Although ReCAP staff analyzed the OTDs in conjunction with the TDC and access programs, ReCAP staff was unable to evaluate all the OTDs required in other cases, due to limited resources. As part of implementation of the ReCAP recommendations, ReCAP staff will be working with the Commission's information systems staff to develop a database to track legal documents, including OTDs. As resources allow, the Commission will be computerizing and analyzing the over 4,000 records of OTDs statewide which will enable the staff to more quickly identify OTDs about to expire.

Comment: We highly recommend a workshop be held with accepting agencies to define OTDs that address parkland manageability as well as overall environmental protection of the Santa Monica Mountains.

Such a workshop can be an effective mechanism to facilitate OTD acceptance and is contemplated in tasks under Action Items 2 and 3. Also, since both LA County and the City of Malibu are undertaking LCP planning, there will be opportunities to coordinate as part of this planning effort, especially since a recent LCP grant to LA County was conditioned to require that the County address the issue of ensuring acceptance of OTDs as part of its LCP Access Component.

Comment: We request the Coastal Commission work with Los Angeles and Ventura Counties to adopt policies that significantly deter illegal grading.

ReCAP staff did not analyze illegal grading in the Santa Monica Mountains. However, the Commission's statewide enforcement unit addresses this concern through its Santa Monica Mountains/Malibu taskforce. ReCAP staff will transmit the concern to the Commission's statewide enforcement unit.

Comments and Responses on Shoreline Armoring:

Comment: The discussion of beach nourishment issues (Preliminary Recommendations V-9 through V-11) should be reviewed with the Los Angeles County Department of Beaches and Harbors.

Preliminary Recommendations V-9 through V-11 discuss the use of beach sand nourishment to better address the cumulative impacts of seawalls on shoreline resources. ReCAP staff will revise the findings for these preliminary recommendations to promote coordination with the Los Angeles County Department of Beaches and Harbors.

Comment: The ReCAP report should address the issue of potential sea level rise.

The response to sea level rise requires a detailed analysis but the Commission lacks sufficient resources at this time to undertake this project. However, a revised recommendation is incorporated into Part 3 of the Action Plan. The potential for sea level rise is another hazard for development along the coast of California. Although estimates of the likelihood and the extent of sea level rise vary, many scientists believe the threat is real. EPA estimates that global warming could raise sea levels 15 cm by the year 2050 and 34 cm by the year 2100 (Titus, 1996).⁴

A rising sea level will affect both existing and future development along the coast, harbors, and rivers of California.⁵ Higher water level will mean that higher waves will hit the coast; as wave energy is proportional to the square of the wave height, so cliffs, coastal structures etc., will be exposed to much higher wave energy. Accelerated cliff retreat could also occur from increased exposure to wave attack. Sea level rise would reduce beach size, making summer beaches narrower and entirely submerging some winter beaches. Sea level rise can also affect harbors and coastal structures: increased water levels could damage jetties and lead to increased forces on pier supports. Existing shoreline protective devices may not be as effective in protecting inland development with an increase in sea level. These impacts could have a significant economic impact in California.

In addition, sea level rise could lead to a loss of wetland and other habitat, and losses to recreational opportunities. A loss of habitat areas, particularly wetlands, could lead to significant economic and social impacts.

Although some projects reviewed by the Commission have addressed the potential for sea level rise in their designs, the Commission does not currently have a policy or direction to address the issue. While a full analysis of the potential of sea level rise and the effects of sea level rise was beyond the resources available to ReCAP, the issue is one that the Commission should address. Therefore, ReCAP staff recommends that additional resources be sought to undertake a more detailed analysis of the issue, and develop an appropriate strategy. In the interim, the Commission should require that proposed development be planned to address the possibility of sea level rise, assuring the integrity of the development for the lifetime of the structure. To accomplish this goal, the Commission will need to adopt specific criteria or estimates of sea level rise against which to assess a project.

⁴<http://www.epa.gov/oppeoeel/globalwarming/impacts/coastal/summary.html>. (Titus, James and Vijay Narayanan. EPA. "The Probability of Sea Level Rise".

⁵ Information taken from Ewing, Lesley, Jaime Michaels and Richard McCarthy. *Draft Report: Planning for an Accelerated Sea Level Rise Along the California Coast*. 1989.

GLOSSARY

APN	Assessor's Parcel Number; identifies each parcel or lot
ATF	An "after the fact" permit is a coastal development permit filed by the applicant after a development has occurred in order to seek consistency with the Coastal Act and to authorize the development.
certificate of compliance	A certificate of compliance is a document issued and recorded by a local agency certifying that the subject parcel is a legal lot that complies with the requirements of the Subdivision Map Act and related local ordinances or certifying that the lot will comply with such requirements upon satisfaction of certain conditions.
Coastal Access	For this report, coastal access refers to the ability of the public to reach, use or view the shoreline of coastal waters or inland coastal recreation areas and trails.
Cumulative Impacts	Cumulative impacts are the combined effects of a series of development activities or natural effects. Although an individual project may not greatly affect the natural or human environment, the cumulative impacts created by many different project over time may significantly alter these environments.
DPR	California State Department of Parks and Recreation
ESHA (environmentally sensitive habitat area)	The Coastal Act defines ESHA as "any area in which plant or animal life or their habitat are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development." (PRC 30108.5)
GIS (Geographic Information System)	A GIS is a computer system capable of assembling, storing, manipulating, and displaying geographically referenced information. A GIS allows analysis of spatial relationships between many different types of features based on their location in the landscape.
GSA (Gross structural area)	A slope intensity formula (based on parcel size and slope) is used to determine the maximum allowable GSA for structures in small lot subdivisions. The GSA formula provides incentives to develop a single residence on more than one lot.
LCP (Local Coastal Program)	"Local coastal program" means a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, this division at the local level.
LUP (Land Use Plan)	. "Land use plan" means the relevant portion of a local government's general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the

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	applicable resource protection and development policies and, where necessary, a listing of implementing actions.
NPS	National Park Service
OTD (offer to dedicate)	An OTD is a document, recorded against the title to a property, which is an offer of dedication to the people of the State of California of an easement over the property or a portion of the property. Generally, an OTD allows for specific uses in of the area of the property involved (for example, allowing the public to walk across the area). The offer conveys an easement in perpetuity only upon its acceptance on behalf of the people by a public agency or by a nonprofit private entity approved by the executive director of the Coastal Commission.
PCH	Pacific Coast Highway
second units	As defined for this report, second units are those detached auxiliary residential units on a lot with an existing primary residential unit. Second units may lack full facilities, such as kitchens.
shoreline armoring	For this report, shoreline armoring refers to hard protective structures such as vertical seawalls, revetments, riprap, revetments, and bulkheads built parallel to the shoreline for the purposes of protecting a structure or other upland property.
SLC	State Lands Commission
small lot subdivision	Existing One of about 17 areas of existing subdivided land in the Santa Monica Mountains, characterized by steep slopes and average lot sizes of between 4,000 and 7,000 square feet.
TDC (Transfer of Development Credit)	The transfer of development credit program is used by the Coastal Commission to mitigate the cumulative impacts from new subdivisions in the Santa Monica Mountains coastal zone. For each new parcel created, the development potential of one or more existing parcels must be extinguished. This process ensures that the overall development potential in an area does not increase and directs development to those areas more suitable for development.
USACOE	U.S. Army Corps of Engineers

Attachment 1: ReCAP Recommendations

Concentration and Location of Development

- III-1:** The Commission should continue use of the TDC program, as structured across the City of Malibu and Los Angeles County, with the modifications proposed through Preliminary Recommendations III-3 through III-10, until Local Coastal Programs are certified for Los Angeles County and the City of Malibu in order to meet the objective of no net increase in parcels in the Santa Monica Mountains region.
- III-2:** The Commission should continue use of the slope intensity formula/GSA program as an effective means to reduce the cumulative impacts of development in the small lot subdivisions.
- III-3:** Revise the approved donor areas for TDC retirement to exclude certain small lot subdivisions that are substantially built out and/or have had sufficient lot retirement to reduce density at buildout, and focus lot retirement under the TDC program in other areas. The small lot subdivisions proposed for removal as donor areas are: Malibu Mar Vista, Malibu Lake, Las Flores Heights, and El Nido. However, within these small lot subdivisions, TDC credits should be given where the lots to be retired are all adjacent to each other *and* contain sensitive habitat. Continue to use the slope intensity formula/GSA in *all* small lot subdivisions to further reduce densities and prevent cumulative impacts.
- III-4:** Revise the approved donor areas for TDC retirement to include parcels in wildlife corridors and parcels adjacent to parkland which are entirely within 200 feet of the parkland boundary. Propose revisions to the Commission to expand the approved donor areas as information identifying critical habitat linkages is developed by the National Park Service or through the LCP planning process.
- III-4a:** The County of Los Angeles should coordinate with the National Park Service to ensure the integrity of wildlife corridors and habitat linkages. Identification and mapping of habitat linkages should be included in the LCP along with measures to protect such areas, including potential designation as donor areas under a TDC program.
- III-5:** Where TDC credit is given for lots in small lot subdivisions, the value of a TDC should be based solely on the acreage (i.e., size and slope) and the existence of services to the lot (i.e., proximity of roads and water), as described in the 1981 District Interpretive Guidelines. Additional TDC value should not be given for the presence of sensitive habitat on lots within the small lot subdivisions.
- III-6:** Work with L.A. County to ensure that lots retired under the TDC and GSA program are actually recombined into one parcel (for example, through an expedited reversion to acreage process). The Commission should update its special condition language to require that, prior-to-issuance of the permit, any necessary TDC transactions be completed through the lot recombination stage.
- III-7:** The Commission should pursue development of Memorandums of Understanding (MOUs) with Los Angeles County, the Coastal Conservancy, the Mountains Conservancy, and/or other non-governmental organizations to facilitate their acceptance of existing offers-to-dedicate open space easements for TDCs. This strategy should include a monitoring program to track whether offers-to-dedicate are accepted. The MOU should also designate one or more of the agencies as an on-going “accepting managing entity”. When this framework is established, the Commission should revise its special condition language to provide that when an open space easement is required, the easement be dedicated directly to the accepting entity.
- III-8:** Improve the tracking and monitoring of all prior to issuance conditions, including TDC and GSA mitigation, by 1) modifying the statewide permit tracking system to include a condition compliance component; 2) encouraging the Mountains Restoration Trust to complete existing in-lieu fee TDC transactions, and discourage use of in-lieu fees for future transactions; and 3) maintaining and updating the Geographic Information System (GIS) layers for the TDC and GSA programs which were developed as part of ReCAP.
- III-9:** Develop a system to ensure that the local governments’ planning department receives updated TDC/GSA layers showing the location of the restricted lots. The City of Malibu and the County of Los Angeles, as part of their LCP planning, should develop and maintain a post-certification tracking system to track the location

Attachment 1: ReCAP Recommendations (cont'd)

of approved development and required easements, and should transmit such information to Commission staff on a regular basis.

- III-10:** The City of Malibu and the County of Los Angeles should adopt a TDC program which is implemented across jurisdictional lines in the Santa Monica Mountains, so as to ensure no net increase in the number of lots in the region as a whole. The program should be structured to incorporate the recommendations of the ReCAP report.

If the City and County find that a TDC program cannot be structured across both jurisdictions, Los Angeles County should amend its LUP to include a TDC program within its jurisdiction to ensure no net increase in the number of lots in the area. The City of Malibu should also include in its proposed LCP, a TDC program within its jurisdiction to ensure no net increase in the number of lots.

Los Angeles County should retain use of a slope intensity formula as described in the 1986 LUP. The City of Malibu should include a slope intensity formula where applicable as part of its LCP planning.

- III-11:** The County of Los Angeles should amend its LUP to reduce the maximum building pad size, and implement the new standard throughout the coastal zone, rather than only in the significant watersheds. In addition, the County of Los Angeles and the City of Malibu should include in their LCPs policies to address sedimentation and runoff into sensitive resources.
- III-12:** The Commission should modify its permit procedures for subdivisions to include the submission of maps locating any existing or proposed OTD, dedicated easement, or prescriptive trail easement on the subject property. For public access easements, including trails, such mapping should be done on air photos and project plans.

Public Access

- IV-1:** Los Angeles County should open El Sol Beach and Dan Blocker Beach.

- IV-2:** The California Department of Parks and Recreation should develop and submit for certification a public works plan for Malibu Bluffs State Park that provides for regional/state park uses. The City of Malibu LCP should include plans for alternative locations for local park uses. No expansion or reconstruction of athletic fields should be permitted.

- IV-3:** The California Department of Parks and Recreation and the City of Malibu should improve access to Point Dume State Preserve by improving the availability of parking in the area adjacent to or within the blufftop portion of the Preserve.

- IV-4:** The Commission, the Coastal Conservancy, the local governments, the State Department of Parks and Recreation and CalTrans should work together to develop a comprehensive signage program to better identify public use opportunities and minimize conflicts between public and private use.

- IV-5:** In consultation with the State Lands Commission, identify and seek removal of all physical development that encroaches into state tidelands areas.

- IV-6:** The City of Malibu should develop a strategy in its LCP to utilize parking for office and commercial development near beach areas for public access parking in off-peak periods.

- IV-7:** The Commission should inventory existing available parking along Pacific Coast Highway and public roads seaward of Pacific Coast Highway to establish baseline data to prevent future loss of access through unpermitted signage or construction of physical barriers.

- IV-8:** Commission staff should continue to coordinate with the Coastal Conservancy and other public agencies or non-profit organizations to accept all existing vertical and lateral OTDs to ensure that no offers expire and to develop, as necessary, and open accepted access easements. The Commission and the Coastal Conservancy should also provide funding where feasible (e.g., from the Malibu Beach Access Fund, permit fee fund, violation remediation fund, and other sources) to public agencies or non-profit organizations for the development, operation and maintenance of accessways.

- IV-9:** The Commission should enforce terms of recorded and accepted access and trail OTDs and deed restrictions, including requiring

Attachment 1: ReCAP Recommendations (cont'd)

removal of encroachments. Investigate specific cases of encroachment into recorded but unaccepted OTD easement areas and take steps to remove and/or reduce encroachments as allowable and feasible. The Commission should improve its access mitigation condition compliance by including as part of any access condition or as part of permit procedures the requirement that applicants map the location of existing and proposed easements, OTDs, or prescriptive trail easements on air photos and project plans. Where access is proposed as part of the submitted project, filing requirements should include such mapping.

- IV-10:** As part of its LCP planning, the City of Malibu should incorporate policies designed to minimize and mitigate impacts of development on public shoreline access, including policies to require access offers-to-dedicate (OTDs) to mitigate demonstrated impacts to public access. The LCP policies should include details on a program to implement OTDs, including timing for developing each OTD, funding sources for construction of improvements and operation costs, and City departments responsible for implementation.
- IV-11:** The County of Ventura should improve its permit review procedures to provide for obtaining State Lands Commission reviews on the boundary between public tidelands and private property as a part of filing requirements for new development along the shoreline. The County of Los Angeles and the City of Malibu should include such a requirement in their LCP planning process.
- IV-12:** Develop and publish a regional access guide for the Malibu area.
- IV-13:** Pursue development of a Memorandum of Understanding to designate a principal management agency to directly accept future inland trail easement dedications, thereby eliminating the need for an offer-to-dedicate (OTD), when a public trail easement dedication is an element of a coastal development permit application. Once the MOU is achieved, revise the Commission's special condition language to require dedication of a trail easement directly to the principal management agency designated in the MOU, rather than requiring an OTD.

- IV-14:** The Commission should recommend the following as priority tasks for the Statewide Access Program: (1) map the location of the eight accepted and 80 recorded inland trail OTD easements, with priority to those due to expire by 2004; (2) coordinate with local governments as part of LCP planning to rank the 80 recorded inland trail OTD easements in priority for acceptance by qualified public agencies and private organizations; and (3) assist those agencies and organizations to accept and open for public use high-priority recorded inland trail OTD easements.
- IV-15:** Modify Commission permit filing requirements to include the submittal of mapped documentation locating any existing recorded inland trail easements, recorded inland trail OTD easement, or known prescriptive trail easement in relation to a proposed development if such development may affect an existing or proposed easement. Require LCP planning in the County of Los Angeles and City of Malibu to include similar measures and other policies and standards to prevent encroachment of development, and to remove non-permitted encroachments, on any area covered by a recorded and accepted inland trail easement.
- IV-16:** Support the appropriation of public funds for the purchase of parcels and/or easements to close existing gaps in the public trail system in the Santa Monica Mountains.

Shoreline Armoring

- V-1:** The City of Malibu, as part of its LCP planning, should prohibit development that would require armoring for those shoreline areas which do not constitute "infill" and should prohibit new subdivisions, including lot splits, which create new lots within high wave hazard areas. The Ventura County LCP should be amended to incorporate similar restrictions.
- V-2:** The Commission should, as a condition of demolition and rebuilding of structures subject to wave hazards, require that new development be sited outside areas subject to wave hazard or built on caissons and set back as far landward as possible. As part of reconstruction, require investigation of alternatives for waste treatment, including the redesign and/or relocation of sewage disposal systems to avoid the need for bulkheads or retaining walls designed solely to protect such systems. Similar requirements

Attachment 1: ReCAP Recommendations (cont'd)

should be incorporated as part of LCPs for the City of Malibu and Ventura County.

- V-3:** Require in the review of coastal development permits for new development and for demolition and reconstruction of existing development, any permitted shoreline structures be set back as far landward as possible from the most landward mean high tideline (MHTL), regardless of the location of protective devices on adjacent lots. The stringline for shoreline protective devices should be applied as a maximum extent of seaward development *only if* no further landward setback is possible. Similar requirements should be incorporated into the LCP planning for the City of Malibu.
- V-4:** Require the submittal of documentation and maps locating any existing OTDs and dedicated easement areas in relation to the proposed development of any shoreline protective device or revetment as part of application filing. If such an OTD or dedicated easement is required as a condition of approval, the mapping should be completed prior to issuance of the permit. The City of Malibu and Ventura County should include similar measures in their LCP planning.
- V-5:** Investigate incentives for relocation of development in hazardous shoreline areas. Consider modification of Section 30610 of the Coastal Act to require a full permit application for the rebuilding of property damaged or destroyed by ocean waves or erosion even if reconstruction occurs in the same location and footprint as the damaged structure.
- V-6:** Pursue modifications of Section 30600 (e) of the Coastal Act to require a follow up coastal development permit for emergency actions undertaken to protect public roads which result in placement of new or expanded shoreline armoring.
- V-7:** The Ventura County LCP should be amended to incorporate procedures for emergency permitting and for reconstruction of SPDs, including modifications in Recommendations V-2 and V-3.
- V-8:** Establish procedures for Commission and local governments for coordination with property owner for field inspections before and after storm seasons. Procedures should: provide advance

information on location of easement areas to assure emergency structures are not occupying public easements and provide for inspections to identify shoreline protective structures built without permits and assure emergency structures are removed or regular permit follow-up is completed within the 60 day period.

- V-9:** LCP Planning for the City of Malibu and Los Angeles County should include policies to establish periodic sand nourishment of key beaches vulnerable to wave damage.
- V-10:** The state Department of Transportation (Caltrans) should assist the LA County Beach Nourishment Task Force in investigating measures to fund regional beach sand nourishment. Beach sand nourishment proposals should also be coordinated with the LA County Beaches and Harbors Department.
- V-11:** The City of Malibu and Los Angeles County should include policies in their LCP planning to require that sediment removed from catchment basins be tested for suitability, and, if appropriate, used for disposal in the littoral system. In consultation with Los Angeles County Department of Beaches and Harbors, the LCP for Malibu should designate appropriate beaches or offshore feeder sites in the littoral system for placement of suitable materials from the catchment basins, consistent with Coastal Act Sections 30233 (b) and (d). The Ventura County LCP should be amended to include similar policies.
- V-12:** The Commission should develop a long-term strategy to address the issue of sea level rise. The strategy should define the criteria for estimated sea level rise (i.e., projections of sea level rise from EPA) and should develop measures to avoid or to minimize the effects of sea level rise in permit actions and in Local Coastal Programs. Such measures could include modifying Commission permit requirements to: 1) require that the potential for sea level rise is considered in the design of all development proposals and habitat restoration projects along the ocean shoreline and the shoreline immediately adjacent to or within a harbor, river, bay, or estuary; and 2) require that buffer areas adequate to address sea level rise are included in wetland restoration projects.